

18 MAY 1977



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 12] नई दिल्ली, शनिवार, अप्रैल 30, 1977 (वैशाख 10, 1899)
No. 12] NEW DELHI, SATURDAY, APRIL 30, 1977 (VAISAKHA 10, 1899)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

भाग III—खण्ड 3

(PART III—SECTION 3)

लघु प्रशासनों से सम्बन्धित अधिसूचनाएं

Notifications relating to Minor Administrations

UNION TERRITORY OF DADRA AND NAGAR HAVELI

ADMINISTRATION OF DADRA AND NAGAR HAVELI

Silvassa, the 14th April 1977

No. ADM/LAW/CRPC/Power/12(77).—In exercise of the powers conferred by sub-section (4) of section 174 of the Code of the Criminal Procedure, 1973 (No. 2 of 1974) I, Satish Chandra, I.A.S., District Magistrate, Dadra and Nagar Haveli, Silvassa do hereby empower Shri K. K. Waghela, Mamlatdar, who is appointed as an Executive Magistrate vide notification No. ADM/LAW/CRPC/Mamlatdar/Noti.6/77 dated 24-3-1977 to hold inquest within the whole of the Union Territory with effect from the date of taking over.

SATISH CHANDRA,
District Magistrate,
Dadra and Nagar Haveli,
SILVASSA.

Silvassa, the 16th April 1977

No. ADM/Law/931(13)-77.—Whereas the draft of Rules to the Maternity Benefit Act, 1961 (No. 53 of 1961) were published as required by sub-section (1) of section 28 of the said Act at Page No. 79 to 84 of the gazette of India, part III-section 3, notifications relating to Minor Administrations dated 25-12-1976 under the notification No.—ADM/LAW/931(31)/76 dated 1st December, 1976 of this Administration, Dadra and Nagar Haveli inviting objections or suggestions from all persons likely to be effected thereby, before the expiry of a period of one month from the date of publication of the said notification in the official gazette;

And whereas the said gazette was made available to the public on 25th December, 1976;

48GI/77

And, whereas no objections or suggestions were received from the public on the said draft;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 28 of the Maternity Benefit Act, 1961 (No. 53 of 1961) the Administrator, Dadra and Nagar Haveli hereby makes the following rules, namely :—

1. *Short title and Commencement* :—These rules may be called the Dadra and Nagar Haveli Maternity Benefit rules, 1976.

2. *Definition* :—In these rules unless the context otherwise requires,

(a) "the Act" means the Maternity Benefit Act, 1961 (No. 53 of 1961).

(b) "Muster Roll" means a muster roll maintained under rule 3.

(c) "Competent Authority" means the Chief Inspector of factories, Dadra and Nagar Haveli.

(d) "Form" means a form appended to these rules.

(e) "Registered Medical Practitioner" means a medical practitioner whose name has been enrolled in a register maintained under any law for the time being in force regulating the registration of practitioners of medicine.

(f) "Section" means a section of the Act.

(g) All other words and expressions used hereinafter but not defined herein shall have the same meaning as respectively assigned to them in the Act.

3. *Muster Roll* :—(1) The employer of every establishment in which women are employed shall prepare and maintain a muster roll in form 'A' and shall enter therein particulars of all women workers in the establishment.

(2) All entries in the muster roll shall be made in the ink and maintained up-to-date and the muster roll shall always be available for inspection by the Inspector during working hours.

(3) The employer may enter in the muster roll such other particulars as may be required for any other purpose of the Act.

4. *Form of notice under section 6* :—The written notice referred to in section 6 shall be in form 'B'.

5. *Proof* : (1) The fact that a woman is pregnant or has been delivered of a child or has undergone miscarriage or is suffering from illness arising out of pregnancy, delivery, premature birth of child or miscarriage shall be proved by the production of certificate in form 'C' to that effect—

(a) from a Medical Officer attached to any Government Hospital or dispensary.

(b) from a Medical Officer attached to the hospital or dispensary of the establishment, or;

(c) from any Registered Medical Practitioner.

(2) The fact that a woman has been confined may also be proved by the production of a certified extract from a birth register maintained under the provisions of any law for the time being in force or a certificate signed by a qualified mid-wife.

(3) The fact that a woman has undergone miscarriage may also be proved by the production of a certificate signed by a qualified mid-wife.

(4) The fact of a death of a woman or a child may be proved by the production of a certificate to that effect in form 'D' from any of the authorities referred to in sub-rule (1) or by the production of a certified extract from a death register maintained under the provisions of any law for the time being in force.

(5) For the purpose of sub-rules (2) and (3), the qualifications, to be possessed by a mid-wife shall be as deemed to be qualified mid-wife, if she has passed the examination conducted by the Gujarat Nursing Council for a fully qualified nurse, or possesses equivalent qualification from any other recognised institution.

6. *Method and time of payment* :—Payment of maternity benefit and any other amount due under the Act shall be made by the employer to the woman concerned or the person nominated by her in the notice in Form 'B' or her legal representative as the case may be.

(2) Whenever the payment referred to in sub-rule (1) is made, a receipt shall be obtained by the employer in Form 'F' from the person to whom the payment is made.

(3) The medical bonus shall be paid along with the second instalment of the maternity benefit.

(4) The payment under section 7 shall be made within two months of the death of the woman.

(5) The wages due under section 9 shall be paid immediately after production of the certificate in Form 'C' or Form 'E' as the case may be.

(6) The wages due under section 10 shall be paid within 48 hours of the expiry of the period of leave referred to in that section.

7. *Break for nursing child* :—Each of the two breaks mentioned in section 11 shall be of 15 minutes duration.

Provided that in case the creche or the place where children are left by woman while on duty is not in the vicinity of the place of work, a period upto 15 minutes more may be allowed for the purpose of journey to and fro.

8. *Duties and powers of the Competent Authority* :—(1) The Competent Authority shall be responsible for the due administration of these rules throughout the Union Territory of Dadra and Nagar Haveli.

(2) Every Inspector shall discharge his duties within the local limits of his jurisdiction and shall act under the supervision and control of the Competent Authority.

(3) Every Inspector shall at each inspection of an establishment see :

(a) Whether the action has been taken on every notice given under section 6;

(b) whether the muster roll prescribed under rule 3 is correctly maintained;

(c) whether there have been any cases of a discharge or dismissal or notice of discharge or dismissal in contravention of section 12 since the last inspection;

(d) whether the provision of sub-section (1) of section 4, sub-section (5) and (6) of section 6, and section 8, 9, 10, 13 and 19 have been complied with and whether amounts due have been paid within the time prescribed under these rules;

(e) whether there have been any cases of deprivation of maternity benefit or medical bonus in contravention of sub-section (2) of section 12, and

(f) how far the irregularities pointed out at previous inspections have been remedied and how far orders previously issued have been complied with.

(4) An Inspector may issue order in writing to the employer asking for the correction of all irregularities against the Act or these rules noticed by him.

(5) The Inspector shall keep a file of the records of his inspection and shall indicate in a diary the work done by him.

9. *Acts which constitute gross misconduct* :—The following acts shall constitute gross misconduct for purposes of section 12, namely :—

(a) wilful destruction of goods or property;

(b) assault;

(c) serious crime resulting in conviction in a court of law;

(d) theft, fraud or dishonesty in connection with the employer's business or property, and

(e) deliberate tampering with safety arrangements especially if done with intent to cause harm to the employer.

10. *Appeal under Section 12* :—(1) An appeal under clause (b) of sub-section (2) of section 12 shall be preferred to the Competent Authority in Form 'G' and it shall be written in Form 'G' and duly signed by the appellant.

(2) The appeal may be handed over personally, or sent under a registered cover to the Competent Authority.

(3) When an appeal is received, the Competent Authority shall furnish a copy of the appeal to the employer, call for his reply thereto and also ask him to produce documents connected with the issue of the appeal before fixed date. The Competent Authority may ascertain further details if necessary, from the employer as well as from the appellant. On considering the facts presented to it and ascertained by it the Competent Authority shall give its decision. In case the employer fails to submit his reply or produce the required documents within the specified period the Competent Authority may give its decision ex-parte.

11. *Complaint under section 17* :—(1) A complaint under sub-section (1) of section 17 shall be made in writing in form 'H' or 'T' as the case may be.

(2) When a complaint referred to in section 17 is received by an Inspector, he shall examine the relevant records maintained by the employer in this behalf, examine any person employed in that establishment and take down necessary statement for the purpose of the enquiry and if he is satisfied that the maternity benefit or the amount has been improperly withheld, he shall direct the employer to make the payment to the woman or to the person claiming the payment under section 7, as the case may be, immediately or within a specified period.

12. *Appeal under section 17* :—(1) An appeal against the decision of an Inspector under sub-section (2) of section 17, shall lie to the Competent Authority.

(2) The appeal shall be written in Form 'J' and duly signed by the appellant and may be accompanied in writing to the Competent Authority within the prescribed period by other supporting documents.

(3) When an appeal is received the Competent Authority shall call upon the Inspector to produce before him, before a fixed date, a copy of his decision and other documents concerning the decision. The Competent Authority shall if necessary, also record the statements of the Appellant and the Inspector and seek any clarification if required.

(4) After taking into account the documents, the evidence produced before it and the facts presented to it or ascertained by it, the Competent Authority shall give its decision.

13. *Supply of forms* :—The employer shall supply to every woman employed by him at her request free of cost copies of Forms 'B', 'C', 'D', 'E', 'F', 'G', 'H' and 'I'.

14. *Records* :—Records kept under the provisions of the Act and these rules shall be preserved for a period of two years from the date of their preparation.

15. *Record to be maintained by employer* :—The employer of every establishment shall prepare and maintain every year records in Forms 'K', 'L', 'M' and 'N' giving information as to the particulars specified in respect of the preceding year.

FORM A

(See rule 3)

Muster Roll

Name of the Establishment.

1. Serial Number.
2. Name of woman and her father's (or, if married husband's) name.
3. Date of appointment.
4. Nature of work.
5. Dates with month and year in which she is employed laid off and not employed.
6. Date on which the woman gives notice under section 6.
7. Date of discharge/dismissal, if any.
8. Date of production of proof of pregnancy under section 6.
9. Date of birth of child.
10. Date of production of proof of delivery/miscarriage/death.
11. Date of production of proof of illness referred to in section 10.
12. Date with the amount of maternity benefit paid in advance of expected delivery.
13. Date with the amount of subsequent payment of maternity benefit.
14. Date with the amount of bonus, if paid under section 8.
15. Date with the amount of wages paid on account of leave under section 9.
16. Date with the amount of wages paid on account of leave under section 10 and period of leave granted.
17. Name of the person nominated by the woman under section 6.
18. If the woman dies, the date of her death, the name of the person to whom maternity benefit and/or other amount was paid, the amount thereof, and the date of payment.
19. If the woman dies and the child survives, the name of the person to whom the amount of maternity benefit was paid on behalf of the child and the period for which it was paid.
20. Signature of the employer of the establishment authenticating the entries in the muster roll.
21. Remarks column for the use of the Inspector.

FORM B

(See rule 4)

Notice under section 6 of the Maternity Benefit Act, 1961

(Name of Establishment)

I _____ (Name of woman) wife/daughter of _____ employed as _____ (Name of establishment) hereby give notice that I expect to be confined within six weeks next following from the date of this notice/have given birth to a child on _____ (date) and shall be absent from work from _____ (date). I shall not work in any establishment during the period for which I received maternity benefit.

2. For the purpose of section 7, I hereby nominate _____ (here enter name and address of the nominee) to receive maternity benefit and/or any other amount due to me under the Act in case of my death.

Signature of an attester in case the woman is not able to sign and affixes thumb impression.

Signature or thumb
Impression of woman

Date _____

FORM C

[See rule 5(1)]

This is to certify that I examined _____ wife/daughter of _____ a woman employee in _____ (name of establishment) on _____ (date) and found cannot discover that she is pregnant and is expected to be delivered of a child within _____ months and/days from the above mentioned date/has undergone miscarriage/has been delivered of a child on _____ (date) or is suffering from _____ (date) from illness arising out of pregnancy/delivery/premature birth of a child or miscarriage.

Date _____

Signature, qualification and
designation of Medical officer/
Medical practitioner.

Definition of "child" and "miscarriage" as in the Maternity Benefit Act, 1961.

1. "child" includes a still-born child.
2. "miscarriage" means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy but does not include any miscarriage, the causing of which is punishable under the Indian Penal Code.

FORM D

[See rule 5(4)]

This is to certify that Smt. _____ wife/daughter of _____ employed in _____ (name of establishment) expired on _____ before/during/after confinement. The child died on _____/survives her.

Date _____

Signatures, qualification and
designation of Medical Officer/
Medical Practitioner.

FORM E

[See rules 5(2) and 5(3)]

This is to certify that I examined _____ wife/
daughter of _____ a woman employee in _____
(name of establishment) and found that she
has been delivered of a child/has undergone miscarriage
on _____ (date).

Signature of qualified midwife

Definitions of "child" and "miscarriage" as in the Maternity Benefit Act, 1961 :

1. "Child" includes a still-born child.
2. "Miscarriage" means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy but does not include any miscarriage, the causing of which is punishable under the Indian Penal Code.

FORM F

(See rule 6)

FORM OF RECEIPT OF MATERNITY BENEFIT

To _____ (name of Establishment)
I _____ the undersigned, a woman employee/
the nominee of _____ woman employee/legal
representative of woman employee deceased in _____
(name of establishment) at _____ in _____
_____ district received maternity benefit/and/or other
amount due under the Maternity Benefit Act, 1961 from the
employer of the factory referred to above, as detailed below :

- Rs. _____ being the first instalment of maternity benefit
paid on _____
- Rs. _____ being the second instalment of maternity benefit
after delivery paid on _____
- Rs. _____ being the medical bonus under section 8 of the
Act paid on _____
- Rs. _____ being the wages for the leave period from _____
to _____ mentioned
under section 9 or 10.

My/Her confinement/miscarriage took place on _____
_____ or I/She fell ill because of pregnancy, delivery,
premature birth of a child or miscarriage on _____
in consequence I _____ her/nominee, or her legal
representative have received the aforesaid amounts prescribed
in sections 5, 8, 9 and 10 of the Maternity Benefit Act,
1961.

Signature or thumb impression of
the woman employee or her
nominee or legal representative.

Signature of an attester in case
the woman is not able to sign and
affixes thumb impression.

Date _____

FORM G

(See rule 10)

To

The Competent Authority,
appointed under the Maternity Benefit Act 1961.
(address).

Sir,

I _____ the undersigned, woman employee of
_____ (name of establishment and full address)
having been wrongly deprived by the employer of maternity
benefit or medical bonus or both (strike out unnecessary
portion) for the reasons attached hereto, prefer this appeal
under sub-section (2) of section 12 and request that the
said employer be ordered to pay the above mentioned

amount to me. A copy of the order of the employer in
this behalf is enclosed.

Signature or thumb impression of
the woman.

Signature of an Attester in case the
woman is not able to sign affixes
thumb impression.

Date _____

FORM H

(See rule 11)

To

The Inspector,
(Under the Maternity Benefit Act, 1961).

Sir,

I _____ (name of woman) employed in _____
(name and full address of establishment) having fulfilled
the conditions laid down in the Maternity Benefit Act, 1961
and the rules thereunder am entitled to Rs. _____
being maternity benefit and/or Rs. _____ being the Medical
bonus and Rs. _____ being wages for leave due
under section 9 or 10 but the same has been improperly withheld,
by the employer. He may, therefore, be directed to pay
the amount to me.

Signature or thumb impression
of the woman.

Date _____

Full address _____

FORM I

(See rule 11)

To

The Inspector,
(Under the Maternity Benefit Act, 1961).

Sir,

I _____ (name) a person nominated under section 6 by
or a legal representative of _____ (name or woman) em-
ployed in _____ (name) and full address of establishment)
have to complaint that the said woman having fulfilled the
conditions laid down in the Maternity Benefit Act, 1961 and
the rules thereunder is entitled to Rs. _____ being
maternity benefit and/or Rs. _____ being the medical
bonus and/or Rs. _____ being wages for leave due under
section 9 or 10 but the same has been improperly withheld
by the employer. He may, therefore, be directed to pay
the amount to me.

Signature or thumb impression of the
nominee—legal representative.

Date _____

Full address _____

FORM J

(See rule 12)

To

.....
.....

Sir,

Shri _____ Inspector, having directed under sub-
section (2) of section 17 to pay the maternity benefit or
other amount being _____ (nature of amount) to
which _____ (name of woman) is said to be entitled, I
prefer this appeal under sub-section (3) of section 17. In
view of the facts mentioned in the memorandum attached
hereto and other documents filed herewith it is submitted that
the woman is not entitled to the maternity benefit or the
said amount hence the decision of the Inspector in this behalf,
copy of which is enclosed, may be set aside.

Signature of aggrieved person.

Dated _____

Full address _____

FORM K

(See rule 15)

Annual statement for the year ending on the 31st December, 1976.

1. Name of the establishment.
2. Situation of the establishment :
Mouza :
District :
State :
Nearest Railway Station :
3. Date of opening of the establishment :
4. Date of closing, if closed :
5. Postal address of establishment :
6. Name of employer :
Postal address of employer :
7. Name of managing agent, if any :
8. Postal address of managing agent :
Name of agent or representative of employer :
Postal address of representative of employer.
9. Name of Manager,
Postal address of Manager :
10. (a) Name of medical officer attached to the establishment.
(b) Qualification of medical officer attached to the establishment.
(c) Is he resident at the establishment ?
(d) If a part-time employee, how often does he pay visits to the establishment ?
11. (a) Is there any hospital at the establishment ?
(b) If so, how many beds are provided for woman employees ?
(c) Is there a lady doctor ?
(d) If so, what are her qualifications ?
(e) Is there a qualified midwife ?
(f) Has any creche been provided ?

Date Signature of employer

FORM L

(See rule 15)

Record relating to the employment, dismissal, payment of bonus, etc. of woman for the year ending on 31st December, 1976.

1. Establishment :
2. Aggregate number of woman permanently or temporarily employed during the year :
3. Number of woman, who worked for a period of not less than one hundred and sixty days in the twelve months immediately preceding the date of delivery :
4. Number of women who gave notice under Section 6 :
5. Number of woman who were granted permission to absent on receipt of notice of confinement :
6. Number of claims for maternity benefit paid.
7. Number of claims for maternity benefit rejected.
8. Number of cases where prenatal confinement and postnatal care was provided by the management free of charge (section 8) :
9. Number of claims for medical bonus paid (section 8) :—
10. Number of claims for medical bonus rejected :
11. Number of cases in which leave for miscarriage was granted :
12. Number of cases in which leave for miscarriage was applied for but was rejected :
13. Number of cases in which additional leave for illness under section 10 was granted.
14. Number of cases in which additional leave for illness under section 10 was applied for but was rejected.

15. Number of women who died—

(a) before delivery :

(b) after delivery :

16. Number of cases in which payment was made persons other than the woman concerned

17. Number of women discharged or dismissed while working :

18. Number of women deprived of maternity benefit and/or medical bonus under proviso to sub-section (2) of section 12.

19. Number of cases in which payment was made on the order of the Competent Authority or Inspector.

20. Remarks :

N.B. :—Full particulars of each case and reason for the action taken under Serial 7, 10, 12, 14, 17 and 18 should be given in the Appendix below :—

Date Signature of employer

FORM M

(See rule 15)

Details of payment made during the year ending 31st December, 1976.

Name of person to whom paid amount paid

1. Date of payment :—
2. Women employee :—
3. Nominee of the woman :—
4. Legal representative of the woman :—
5. Amount for the period preceding date of expected delivery :—
6. Amount for the subsequent period :—
7. Under section 8 of the Act :—
8. Under section 9 of the Act :—
9. Under section 10 of the Act :—
10. Number of woman workers who absconded after receiving the first instalment of maternity benefit :
11. Cases where claims were contested in a court of law :—
12. Results of such cases :—
13. Remarks :—

Date Signature of employer.....

FORM N

(See rule 15)

Prosecution during the year ending 31st December, 19..

Place of employment of the woman employee	Number of cases instituted	Cases which resulted in conviction	Remarks
---	----------------------------	------------------------------------	---------

For establishments

N.B.—Remarks for prosecution should be given in full in the Appendix below.

Signature of employer.....

Date 197 ..

By order of the Administrator.

Sd./- Illegible
Secretary to the Administrator,
Dadra and Nagar Haveli,
SILVASSA.

